

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

Case No. 1:23-cr-257-TSC

DONALD J. TRUMP,

Defendant.

_____ /

**PRESIDENT TRUMP’S MOTION
FOR PRE-TRIAL RULE 17(c) SUBPOENAS
AND ACCOMPANYING MEMORANDUM OF LAW**

Pursuant to Fed. R. Crim. P. 17(c), President Donald J. Trump respectfully requests leave to issue the attached subpoenas *duces tecum* (the “Requested Subpoenas”) for the pretrial production of records, addressed to the following: (1) the Archivist of the United States at the National Archives and Records Administration (NARA), (2) the Clerk of the House of Representatives, (3) the current Committee on House Administration, which is the successor entity to the January 6 Select Committee; (4) Richard Sauber, the Special Counsel to the President ; (5) Johnathan Meyer, the General Counsel of the Department of Homeland Security; (6) Representative Barry Loudermilk, U.S. House of Representatives; and (7) Representative Bennie Thompson, U.S. House of Representatives. The House Committee on Administration has identified these records as missing from the archived records of the January 6 Select Committee. By these subpoenas, President Trump seeks to retrieve certain missing records and uncover information about their disposition.

MEMORANDUM OF LAW

I. Background

President Trump is charged with Conspiracy to Defraud the United States in violation of 18 U.S.C § 371, Conspiracy to Obstruct an Official Proceeding in violation of 18 U.S.C. § 1512(k), Obstruction of and Attempt to Obstruct an Official Proceeding in violation of 18 U.S.C. §§ 1512(c)(2) and 2, and Conspiracy Against Rights in violation of 18 U.S.C. § 241. (Doc. 1, (Indictment)). These false allegations carry a focus on the certification of the 2020 presidential election and encompass the period between the election, held on November 3, 2020, and January 6, 2021.

As the Court is aware, a House of Representatives committee previously investigated the events of January 6, 2021. H.Res. 503, 117th Cong. (2021), (the “Select Committee”). The Select Committee compiled a large archive of information.¹ Upon the dissolution of the Select Committee at the conclusion of the 117th Congress, applicable House Rules required the Select Committee to transfer its records to the Committee on House Administration for preservation and archiving.

According to a letter from Representative Barry Loudermilk, Chair of the Subcommittee on Oversight, however, the Select Committee did not transfer or archive numerous records (collectively, the “Missing Records”). *See* (Exhibit 1, Letter from The Honorable Barry Loudermilk, June 26, 2023).

¹ The Select Committee purportedly accumulated 4 terabytes of data during the investigation, but Rep. Loudermilk reported that his successor committee received only 2.5 terabytes. *See* Andrew Mark Miller, *J6 Committee failed to preserve records, has no data on Capitol Hill security failures, GOP charges*, Fox News.com, August 8, 2023 (<https://www.foxnews.com/politics/j6-committee-failed-to-preserve-records-has-no-data-on-capitol-hill-security-failures-gop-charges>).

For example, “[t]he video recordings of transcribed interviews and depositions, which featured prominently during the Select Committee’s hearings, were not archived or transferred to the Committee on House Administration.” *Id.* at 1. In a response to Mr. Loudermilk’s letter, the former Chair of the Select Committee, Representative Bennie Thompson, confirmed that—despite their plain relevance these and other records, (which Representative Thompson cryptically described as “temporary committee records”) were not archived. *See* (Exhibit 2, Letter from The Honorable Bennie Thompson, July 7, 2023).²

Likewise, at the very end of its existence, the Select Committee “loan[ed]” other crucial records to “the White House Special Counsel and the Department of Homeland Security.” (Exhibit 2, Letter from The Honorable Bennie Thompson, July 7, 2023). From the descriptions in the letters, these materials include important intelligence and other law enforcement information, records identifying witnesses, and other information the Select Committee deemed sensitive pursuant to agreements with the White House and DHS.

In truth, this was no “loan” and the Select Committee’s failure to archive the materials was intentional—Representative Thompson provided the materials to the White House and DHS on Friday, December 30, 2022, knowing full well the Select Committee would dissolve the very next business day.³ As planned, the Biden Administration did not return these documents prior to the dissolution of the Select Committee, and, as a result, the Select Committee did not “properly archive that material with the rest of its records.” *Id.*

² Rule VII of the Rules of the U.S. House of Representatives governs official House records, requiring committees and officers to transfer to the Clerk 1) any noncurrent records of committees and subcommittees, and 2) those created or acquired by House Officers and their staffs in the course of their official duties.

³ December 30, 2022, was a Friday, Monday, January 2 was a federal holiday, and the 117th Congress ended on January 3, at noon.

Needless to say, there is significant overlap between the Select Committee’s investigation and this case, and there is a strong likelihood that individuals discussed in the Missing Records could be called as trial witnesses. Indeed, the letters from the Select Committee transferring these records to the White House and DHS indicate how important the Select Committee considered these witnesses and records. *See* (Exhibit 3, Letter from the Select Committee to Richard A Sauber, Dec. 30, 2022 (“Sauber letter”); Exhibit 4, Letter from Select Committee to Jonathan Meyer, Dec. 30, 2022 (“Meyer letter”)).

President Trump is fully entitled to seek the Missing Records by subpoena. It is also equally important to determine if these records have been lost, destroyed, or altered. The Requested Subpoenas are narrowly tailored to achieve these legitimate ends, which are fundamental to ensuring President Trump’s right to a fair trial under the Fifth and Sixth Amendments. As the Missing Records are currently unavailable, the Requested Subpoenas would not be duplicative of any other records either publicly available or produced in discovery.

Accordingly, President Trump requests leave to serve the Requested Subpoenas, which include the narrowly tailored document requests listed below (the “Requested Records”).⁴ As these records may be maintained by more than one party, President Trump seeks leave to send a substantially similar subpoena to the seven likely custodians of the Requested Records: (1) the Archivist of the United States at the National Archives and Records Administration (NARA), (2) the Clerk of the House of Representatives, and (3) the current Committee on House Administration, which is the successor to the January 6 Select Committee; (4) Representative Barry Loudermilk, U.S. House of Representatives; (5) Representative Bennie Thompson, U.S.

⁴ Although the discovery in this case is vast and the defense has not reviewed it in its entirety, the defense has a good faith belief that the government’s Rule 16 discovery productions do not include the Requested Records.

House of Representatives; (6) the Special Counsel to the White House; and (7) the General Counsel of the Department of Homeland Security.⁵

The Requested Records include:

1. The Select Committee Missing Materials.⁶
2. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
3. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
4. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
5. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
6. Any other documents, communications, or records in any way pertaining to the Missing Materials.

II. Applicable Law

Under Fed. R. Crim. P. 17(c), the Court “may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial.” *United States v. Nixon*, 418 U.S. 683, 698 (1974). “Rule 17(c) implements the Sixth Amendment guarantee that an accused have compulsory process to secure evidence in his favor.” *In re Martin Marietta Corp.*, 856 F.2d 619, 621 (4th Cir. 1988) (citation omitted); *see also*, e.g., *United States v. Tucker*, 249 F.R.D. 58, 65 (S.D.N.Y. 2008) (“Criminal defendants have the right to put before

⁵ The Requested Subpoenas are attached to this Motion as Exhibit 5-11.

⁶ The Requested Subpoenas define “Select Committee Missing Materials” in a limited manner to encompass the Missing Records discussed herein.

a jury evidence that might influence the determination of guilt. To effect that right, a defendant must have the ability to obtain that evidence.” (internal citation and quotation omitted)).

Indeed, a defendant’s fundamental rights to confrontation, due process, and a fair trial compel access to documents that are “necessary to permit the defendant to raise a defense.” *See Tucker*, 249 F.R.D. at 65; *United States v. King*, 194 F.R.D. 569, 585 (E.D. Va. 2000) (“There is a compelling interest in having ‘every man’s evidence’ at a criminal trial . . . to the extent that it is relevant. The ability to impeach a key prosecution witness and to admit her statements into evidence to that end is a critically important component of a fair trial and is the *sine qua non* of a meaningful right to confrontation and cross-examination. These rights are secured to the Defendants by the Fifth and Sixth Amendments. And, society too has a compelling interest in assuring a fair trial and meaningful confrontation.”) (citations omitted and emphasis added)); *United States v. Beckford*, 964 F. Supp. 1010, 1019 (E.D. Va. 1997) (“‘[t]he essential purpose of [Rule 17(c)] is to implement the Sixth Amendment guarantee that an accused have compulsory process to secure evidence in the accused’s favor.’” (emphasis in original) (quoting 25 Moore’s Federal Practice § 617.08[1] at 617–21)).

The constitutional importance of Rule 17(c) is amplified by the asymmetries inherent in criminal prosecutions. *See Tucker*, 249 F.R.D. at 60:

By the time the prosecution’s attention is drawn to an individual, law enforcement has typically gathered substantial evidence relating to the alleged offense. The government’s ability to gather evidence is further enhanced by the use of search and seizure, a mechanism not available to the defense. . . . Grand jury proceedings provide another significant avenue for the prosecution to gather evidence. . . . Before the grand jury, prosecutors have wide latitude to compel testimony and obtain documentary evidence without the restrictions imposed by the Federal Rules of Evidence and out of the presence of the defendant and her counsel.

In short, “[i]t is inherent in our criminal justice system that defendants will virtually always be outmatched in investigatory resources, funds, and time to prepare for litigation.” *Id.* at 63.

Although there is no constitutional requirement that “criminal prosecution be equally matched,” *id.*, “the Constitution recognize[s] the awesome power of indictment and the virtually limitless resources of government investigators. [Thus], [m]uch of the Bill of Rights is designed to redress the advantage that inheres in a government prosecution.” *Id.* at 64–65 (quoting *Wardius v. Oregon*, 412 U.S. 470, 480 (1973) (Douglas, J., concurring)).

In that same vein, the defense is entitled to know whether evidence has been lost. “It is axiomatic that criminal proceedings must comport with prevailing notions of fundamental fairness, which include what might loosely be called the area of constitutionally guaranteed access to evidence.” *In re Al Baluchi*, 952 F.3d 363, 369 (D.C. Cir. 2020) (quoting *California v. Trombetta*, 467 U.S. 479, 485 (1984); *United States v. Valenzuela-Bernal*, 458 U.S. 858, 867 (1982)) (internal quotation marks omitted).

Separate tests are applied to determine whether the government's failure to preserve evidence rises to the level of a due process violation in cases where material exculpatory evidence is not accessible, versus cases where “potentially useful” evidence is not accessible. *United States v. Wright*, 260 F.3d 568, 570 (6th Cir. 2001) (citing *Trombetta*, 467 U.S. at 489; *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988)); *see also United States v. Greenberg*, 835 F.3d 295, 303 (2d Cir. 2016) (A criminal defendant moving for dismissal on the basis of spoliation of the evidence must make a two-pronged showing that the evidence possessed exculpatory value “that was apparent before [it] was destroyed” and that it was “of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means.”). Penalties for spoliation of evidence in the criminal context vary but could include dismissal or an adverse inference. *See, e.g., United States v. Lanzon*, 639 F.3d 1293, 1302 (11th Cir. 2011) (assuming *arguendo* that the civil spoliation doctrine applies in the criminal context); *In re Al Baluchi*, 952

F.3d at 368–69 (in considering whether a September 11th defendant could delay the destruction of potential evidence, government argued defendant could seek “adverse inferences or other, alternative forms of relief that would potentially compensate him for the lost ability to obtain favorable evidence.”); *United States v. Hood*, 615 F.3d 1293, 1301 (10th Cir. 2010) (assuming arguendo that it was error for the district court not to apply the civil standard governing the spoliation of evidence); *United States v. Mincy*, 2022 WL 17176398, at *9 (S.D. Ohio 2022) (“When considering the appropriate response to claims of spoliation in the criminal context, the Court may consider how much the lack of the evidence at issue will prejudice the defendant.”).

Thus, to obtain a Rule 17(c) subpoena, a defendant need only show that the material sought is: (1) relevant; (2) admissible; and (3) specific. *Nixon*, 418 U.S., at 700; *see also United States v. Farha*, No. 8:11-CR-115-T-30MAP, 2012 WL 12969785, at *1 (M.D. Fla. Mar. 28, 2012) (“In *United States v. Nixon*, the Supreme Court established three hurdles a party must overcome when seeking production under Rule 17(c)—relevancy, admissibility, and specificity.”). Although “Rule 17(c) subpoena[s] may not be used for a ‘general fishing expedition,’” *Tucker*, 249 F.R.D. at 65 (quoting *Nixon*, 418 U.S., at 700), they are a proper means for the defendant to obtain documents he intends to use at trial, *Bowman Dairy Co. v. United States*, 341 U.S. 214, 219–20 (1951). The decision to authorize a Rule 17(c) pre-trial subpoena is “committed to the sound discretion of the trial court.” *Nixon*, 418 U.S., at 702.

III. Argument

The Requested Subpoenas are proper under *Nixon* because they seek relevant, admissible documents that are narrowly tailored to the issues in this case. *Id.*; Fed. R. Crim. P. 17(c). Further, because the Requested Records are critical to President Trump’s expected trial defense, his

fundamental rights to confrontation, due process, and a fair trial require that he have access to those documents. Accordingly, the Requested Subpoenas should issue.

A. The Requested Records are Relevant to President Trump's Defense

Based on the description in the letters to the Special Counsel to the President and the General counsel for DHS, the missing video recordings and other records relate to Secret Service personnel and witnesses within the purview of the White House or Executive Department with direct and extensive knowledge of events around January 6, 2021. Records of these likely trial witnesses are critical to the defense. As the letters attest: “those personnel provided very important information for the Committee’s investigation (Ex. 3, Sauber letter); and “it became clear that additional interviews of certain Secret Service agents and personnel would be necessary for multiple reasons.” (Ex. 2, Meyer Letter). The Meyer letter also discusses “substantial intelligence information” communicated to the White House and Secret Service related to January 6th.

Pursuant to a defendant’s Sixth Amendment right to compulsory process, “the Court must enforce a defendant's subpoena for testimony or documents ‘essential to the defense.’” *United States v. Ehrlichman*, 389 F. Supp. 95, 97 (D.D.C. 1974), *aff’d*, 546 F.2d 910 (D.C. Cir. 1976) (citing *United States v. Schneiderman*, 106 F.Supp. 731 (S.D.Cal.1952); *Washington v. State of Texas*, 388 U.S. 14 (1967); *United States v. De Stefano*, 476 F.2d 324, 330 (7th Cir. 1973)). “[S]uch process may even run to the Members of Congress.” *Id.* (citing *United States v. Cooper*, 4 U.S. (4 Dall.) 341, 1 L.Ed. 859 (1800)).

Furthermore, recordings of interviews are critical evidence. Impeachment of witnesses is “clearly material” to the defense. *Tucker*, 249 F.R.D. at 66. “The Constitution guarantees criminal defendants the right to confront their accusers, and the right to cross-examination has been held to be an essential purpose of the Confrontation Clause.” *Id.* at 67. “This right is meaningless if a

defendant is denied the reasonable opportunity to obtain material evidence that could be crucial to that cross-examination.” *Id.*

The Requested Records are both relevant and “necessary to permit [Defendant] to raise a defense,” *Tucker*, 249 F.R.D. at 65. Without these documents, President Trump cannot possibly have a fair trial. *Beckford*, 964 F. Supp. at 1019 (“[T]he right to compulsory process in aid of the defense case . . . is considered fundamental to the right to a fair trial.”); *Brady v. Maryland*, 373 U.S. 83, 87 (1963) (“Society wins not only when the guilty are convicted but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly. An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: ‘The United States wins its point whenever justice is done its citizens in the courts.’”).

B. The Requested Subpoenas are Limited and Specific

The Requested Subpoenas seek limited categories of documents relating to two highly relevant topics—records that were not retained by the Select Committee and the ultimate disposition of those records. Far from a “general fishing expedition,” *Tucker*, 249 F.R.D. at 65, the Requested Subpoenas concern only a specific issue and do not include documents related to any other aspect of the Select Committee’s investigation or archived records. Moreover, there is a dispute within the House of Representatives over the disposition of these important records. The Requested Records were clearly important to the Select Committee’s investigation and involved witnesses with direct knowledge of January 6 related events. *See* 2 Charles A. Wright, Fed. Prac. & Proc. Crim. § 275 (4th ed.) (“A subpoena that fails to describe any specific documents is too broad, but it is not necessary that the subpoena designate each particular paper desired. It is sufficient if kinds of documents are designated with reasonable particularity.”). Finally, given the

limited subject matter requested, Respondents should have little trouble locating responsive documents or confirming they have no such documents, and in any event, retain the right to raise any objections with the Court. *See* Fed. R. Crim. P. 17(c); *Nixon*, 418 U.S. at 699–700.⁷

C. The Requested Records are Admissible

Materials in the possession of the government actors may be reached by subpoena under Rule 17(c) as long as they are evidentiary. *Bowman Dairy Co. v. United States*, 341 U.S. 214, 219 (1951). The materials subpoenaed need not actually be used in evidence. *Id.* It is only required that a good-faith effort be made to obtain evidence. *Id.* at 220. “[A]ny document or other materials, admissible as evidence, obtained by the Government by solicitation or voluntarily from third persons is subject to subpoena.” *Id.* at 221.

One feature of the evidence identified in the Meyer letter is that it could be used to show notice to White House personnel regarding the events of January 6th. The Indictment directly alleges that President Trump “directed [supporters] to the Capitol to obstruct the certification proceeding...” so the knowledge and intent of President Trump and others is plainly relevant. (Doc. 1, Ind. ¶10(d)). These records could be offered for the non-hearsay purpose of demonstrating a witness or party’s state of mind, F.R.E. 801(c)(2). Of course, they are also impeachment

⁷ Due to the importance of these documents and the likelihood that they will lead to the discovery of additional witnesses or evidence, pretrial production is necessary to allow Defendants adequate time to review the records and respond accordingly. *See United States v. Tomison*, 969 F. Supp. 587, 593 (E.D. Cal. 1997) (“In cases . . . where evidence relevant to guilt or punishment is in a third party’s possession and is too massive for the defendant to adequately review unless obtained prior to trial, pre-trial production through Rule 17(c) is necessary to preserve the defendant’s constitutional right to obtain and effectively use such evidence at trial.”); *see also Bowman Dairy Co.*, 341 U.S. at 220 (Rule 17(c)’s “chief innovation was to expedite [criminal] trial[s] by providing a time and place before trial for the inspection of the subpoenaed materials.”). It also goes without saying that such documents could be requested via a trial subpoena; in which case Defendants may be required to request an adjournment to review and respond to the documents, causing unnecessary delays.

materials, to the extent the government intends to call witnesses from the Secret Service or White House on its behalf. *See United States v. Silverman*, 745 F.2d 1386, 1397 (11th Cir. 1984) (rule 17(c) subpoena proper where requested documents “possessed evidentiary potential for impeachment purposes.”).⁸

CONCLUSION

For the foregoing reasons, President Trump respectfully requests that the Court grant counsel leave to issue the attached subpoenas *duces tecum* and require the production of records within two weeks of service of the subpoena on the subpoenaed party.

Certificate of Conference

Counsel for President Trump has conferred with the prosecution. The prosecution does not take a position at this time and will respond after an opportunity to consider the motion in full.

Dated: October 11, 2023
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⁸ *See also Tucker*, 249 F.R.D. at 67 (“The Constitution guarantees criminal defendants the right to confront their accusers, and the right to cross-examination has been held to be an essential purpose of the Confrontation Clause. This right is meaningless if a defendant is denied the reasonable opportunity to obtain material evidence that could be crucial to that cross-examination.”).

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One Hundred Eighteenth
Congress of the United States
House of Representatives

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June 26, 2023

The Honorable Bennie Thompson
Member of Congress
2466 Rayburn House Office Building
Washington, DC 20515

Re: Archived, Noncurrent Records of the House Select Committee to Investigate the January 6th Attack on the United States Capitol

Dear Representative Thompson,

I write to you today in your capacity as the former Chairman of the House Select Committee to Investigate the January 6th Attack on the United States Capitol. As you are aware, I chair the Committee on House Administration Subcommittee on Oversight, which has jurisdiction over the safety and security of the United States Capitol.¹

All committee chairs have a responsibility to archive noncurrent committee records at the end of each Congress.² It is the chair's responsibility to transfer the records to the Clerk of the House, who subsequently stores those records with the National Archives and Records Administration.³

The resolution establishing the Select Committee added an additional reporting requirement by mandating all records of the committee be transferred to any committee designated by the Speaker.⁴ In the 118th Congress, the House Rules reiterated that all records from the Select Committee would be transferred to the Committee on House Administration.⁵

As part of my oversight responsibilities, my staff and I have reviewed the records we have received from the Select Committee. As you can imagine, I was concerned to discover that some noncurrent records were not archived despite the requirements of the Rules of the House of Representatives and the resolution that established the Select Committee. The video recordings of transcribed interviews and depositions, which featured prominently during the Select Committee's hearings, were not archived or transferred to the Committee on House Administration. Only written transcripts were provided.

¹ Rule X of the Rules of the U.S. House of Representatives, 118th Cong. (2023); Rule 17(c)(2) of the Rules of the Committee on House Administration, 118th Cong. (2023). *See also* Letter from Ranking Member Rodney Davis to Chairman Thompson related to Preservation of Information Relating to Select Committee's Activities (June 9, 2022)

² Rule VII of the Rules of the U.S. House of Representatives, 118th Cong. (2023).

³ *Id.*

⁴ Establishing the Select Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, H.Res. 503, 117th Cong. (2021).

⁵ Rule XXVIII of the Rules of the U.S. House of Representatives, 118th Cong. (2023).

Furthermore, you sent a letter to Mr. Richard Sauber, Special Counsel to President Joe Biden, on December 30, 2022.⁶ In this letter, you stated that you “cannot ensure enforcement of the commitment to maintain the confidentiality of the identity of the witness.”⁷ You go on to say that you were returning transcripts to an undisclosed person or place for “appropriate review, timely return, and designation of instruction for proper handling by the Archives.”⁸ You also stated that the decision was done in coordination with then-Speaker Pelosi.⁹

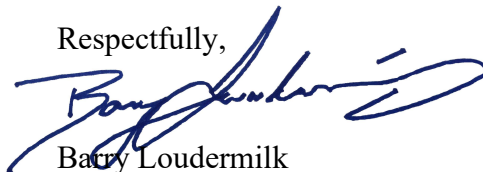
You also sent a letter on December 30, 2022, to the General Counsel for the Department of Homeland Security.¹⁰ In this letter, you referenced the important information you gained from an unnamed Secret Service witness. You noted that the Select Committee was dissolving and that you “cannot ensure enforcement of the agreements to maintain the confidentiality of any of these transcripts and related security of these transcripts.”¹¹ According to your letter, you coordinated with then-Speaker Pelosi to return transcripts to the Department of Homeland Security.

No version of the letter to Mr. Sauber—either redacted or unredacted—or the letter to the DHS General Counsel was archived by the Select Committee or provided to this Committee. Additionally, there is no explanation of what transcripts these letters are referring to or why you—in coordination with then-Speaker Pelosi—did not immediately archive the records with the Clerk.

Congress must properly retain and archive Committee records to maintain the confidence of the American people. To that end, members of Congress must be counted on to follow the rules we impose upon ourselves. This includes the requirement that all Select Committee records be turned over to the Committee on House Administration.

Before speaking publicly about these issues, I am first writing to request your assistance in locating these Committee records. I respectfully request that you reply by July 7, 2023. Please feel free to reach out to me directly if you have any questions.

Respectfully,



Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration

BDL/hf/ert

⁶ Letter to Mr. Richard Sauber, Special Counsel to the President, December 30, 2022, <https://s3.documentcloud.org/documents/23561125/gpo-j6-transcript-chair-vice-chair-letter-to-white-house.pdf>

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Letter to The Honorable Jonathan Meyer, December 30, 2022, <https://s3.documentcloud.org/documents/23562735/letter-from-the-chairman-and-vice-chair-to-the-department-on-homeland-security-regarding-certain-transcripts.pdf>

¹¹ *Id.*

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Congress of the United States
House of Representatives
Washington, DC 20515-2402

July 7, 2023

The Honorable Barry Loudermilk
Chairman, Subcommittee on Oversight
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Dear Representative Loudermilk:

I am in receipt of your June 26, 2023, letter regarding the records of the bipartisan Select Committee to Investigate the January 6th Attack on the United States Capitol.

Unlike many Republican Members who failed to cooperate with the bipartisan Select Committee's investigation of the deadly U.S. Capitol attack, I will afford you the courtesy of a response, which is particularly important given your letter's significant factual errors.

At my direction, Select Committee staff worked in close coordination with staffs of the Committee on House Administration, the Clerk of the House, the Office of General Counsel, the Office of the Parliamentarian, the National Archives and Records Administration (NARA), and the Government Publishing Office (GPO) in preparing the Select Committee's more than 1 million records for publication and archiving. Given the records' historic importance documenting the January 6th insurrection, I am proud of the Select Committee's unprecedented transparency, such as the records collection associated with the bipartisan Select Committee's final report at GPO's website: <https://www.govinfo.gov/collection/january-6th-committee-final-report>.

As you note in your letter, rule VII of the Rules of the House of Representatives requires committees to archive noncurrent official, permanent records.¹ To that end, the bipartisan Select

¹ Guidance from the Office of the Clerk states that a permanent record is "[m]aterial created or received by a person, family, or a public or private organization that is preserved because of its enduring value. The value stems from the information it contains or the evidence it provides of the functions and responsibilities of the creator." See "Records Management Manual for Committees," Office of Art and Archives, Office of the Clerk of the House of Representatives (Aug. 2021), p. 8. Consistent with guidance from the Office of the Clerk and other authorities, the Select Committee did not archive temporary committee records that were not elevated by the Committee's actions, such as use in hearings or official publications, or those that did not further its investigative activities. Accordingly, and contrary to your letter's implication, the Select Committee was not obligated to archive all video recordings of transcribed interviews or depositions. Based on guidance from House authorities, the Select Committee determined that the written transcripts provided by nonpartisan, professional official reporters, which the witnesses and Select Committee staff had the opportunity to review for errata, were the official, permanent records of transcribed interviews and depositions for the purposes of rule VII.

The Honorable Barry Loudermilk
Page 2

Committee used an e-discovery platform to manage its investigative records. In consultation with the House Clerk's Office of Art and Archives and NARA, the Select Committee worked with its e-discovery platform contractor to create an archive file compatible with House Clerk and NARA systems. Official, permanent records were electronically archived in that file and delivered to the House Clerk with additional official, permanent records outside of the e-discovery platform on January 2, 2023. I encourage you to carefully review the Select Committee's over 4-terabyte digital archive, which includes the e-discovery platform's electronic archive file, before asserting that certain noncurrent records were not archived.

As you also note, on December 30, 2022, when the bipartisan Select Committee still had control of its records under House rules,² Vice Chair Liz Cheney and I sent letters to the White House Special Counsel and the Department of Homeland Security (DHS) regarding the Select Committee's loan of some then-current material containing law enforcement sensitive operational details and private, personal information that, if released, could endanger the safety of witnesses.³ As indicated in the letters, the Select Committee wrote to those authorities seeking their assistance and guidance in the proper archiving of such sensitive material to protect witnesses' safety, national security, and to safeguard law enforcement operations.⁴ This was part of the Select Committee's effort to accommodate the Executive Branch in appropriately protecting certain sensitive information while also complying with the archiving rules of the House. The Executive Branch was still conducting its review of that material to provide appropriate archiving guidance at the time the Select Committee dissolved. Accordingly, the Select Committee did not have the opportunity to properly archive that material with the rest of its records with the benefit of the Executive Branch's guidance to ensure witness safety, our national security, and law enforcement sensitive information.

Because I agree that Congress must properly retain and archive committee records to maintain the confidence of the American people, the letters transmitting that sensitive material were, contrary to your assertion, archived in several places (including the public GPO document repository) and intended to inform the Select Committee's successor of the ongoing Executive Branch review

² As memorialized at chapter 17, section 19.1 of *Deschler's Precedents*, a committee expiring absent action by the House maintains control of its records through the end of the Congress in which it was created.

³ See Isaac Arnsdorf and Josh Dawsey, "Jan. 6 panel escalates showdown with Trump over influencing witnesses," *Washington Post*, (July 12, 2022), available at <https://www.washingtonpost.com/national-security/2022/07/12/trump-witness-tampering-jan-6/>. Further, clause 3(b)(2) of rule VII implies that a House committee has a duty to provide the House Clerk with appropriate guidance as to whether an investigative record should be archived for 50 years rather than the usual 30 years. The Executive Branch's guidance would help inform the judgment of the Select Committee, or its successor, as to whether the investigative records "contain[ed] personal data relating to a specific living person (the disclosure of which would be an unwarranted invasion of personal privacy)".

⁴ "[W]e are hereby providing those transcripts...for appropriate review, timely return, and designation of instructions for proper handling by the Archives." Letter from Chairman Bennie G. Thompson and Vice Chair Liz Cheney, Select Committee to Investigate the January 6th Attack on the United States Capitol, to Mr. Richard A. Sauber, Special Counsel to the President (Dec. 30, 2022), available at <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CHAIR-VICE-CHAIR-LETTER-TO-WHITE-HOUSE/pdf/GPO-J6-TRANSCRIPT-CHAIR-VICE-CHAIR-LETTER-TO-WHITE-HOUSE.pdf>, p. 1 (emphasis added). See also Letter from Chairman Bennie G. Thompson and Vice Chair Liz Cheney, Select Committee to Investigate the January 6th Attack on the United States Capitol, to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Dec. 30, 2022), available at <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CHAIR-VICE-CHAIR-LETTER-TO-DHS/pdf/GPO-J6-TRANSCRIPT-CHAIR-VICE-CHAIR-LETTER-TO-DHS.pdf>.

The Honorable Barry Loudermilk

Page 3

process when the Select Committee dissolved. At this time, only the Committee on House Administration, as the successor to the Select Committee, has the authority under House Resolution 5, 118th Congress, to coordinate with the White House and DHS to arrange for the return of the records mentioned in those letters along with the Executive Branch's archiving guidance—as was the bipartisan Select Committee's stated intent.

Sincerely,



Bennie G. Thompson

cc: The Honorable Norma J. Torres, Ranking Member, Subcommittee on Oversight
The Honorable Joseph D. Morelle, Ranking Member, Committee on House Administration

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

December 30, 2022

Mr. Richard A. Sauber
Special Counsel to the President
The White House
Washington, DC 20006

Dear Mr. Sauber:

The Select Committee has concluded its hearings, released its Report, and will very soon be dissolved (as per the House of Representatives resolution establishing the Committee). As you know, the Committee had entered into an agreement with your office to make available for interview [REDACTED]

[REDACTED] Those personnel then provided very important information for the Committee's investigation. Under that agreement, the Committee would do its utmost to protect the identity of [REDACTED]. We now write to address the disposition of Committee interview transcripts for those personnel.

As of next week when the Committee dissolves, the Committee will no longer exercise control over this material, and thus cannot ensure enforcement of the commitment to maintain the confidentiality of the identity of the witnesses. Pursuant to long-standing House rules, the official records of the Committee will be archived and pass into the control of the National Archives. We fully share [REDACTED] concern for the safety, security, and reputations of our witnesses.

In coordination with the office of the Speaker of the House, to comply with House rules and to honor our commitment to best provide for continuing confidentiality of operational details and private information, we are hereby providing those transcripts to [REDACTED] now for appropriate review, timely return, and designation of instructions for proper handling by the Archives. During your review, we recommend that [REDACTED] provide for the official file that will reside with the Archives any necessary written guidance regarding the need for limitations on release or other sensitivities. Our expectation is that the transcripts with such instructions will become part of the historical record of our investigation maintained by the National Archives.

Richard Sauber
Page 2

Thank you again for your assistance with our investigation. We are grateful for your assistance in carrying out this important security task.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson". The signature is written in a cursive style with a long horizontal flourish at the end.

Bennie G. Thompson
Chairman

A handwritten signature in black ink that reads "Liz Cheney". The signature is written in a cursive style with a large, looped "L" and "C".

Liz Cheney
Vice Chair

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

December 30, 2022

The Honorable Jonathan Meyer
General Counsel
U.S. Department of Homeland Security
Washington, DC, 20528

Dear Mr. Meyer:

The Select Committee has concluded its hearings, released its Report and will very soon be dissolved. The Committee has enormous respect for the Secret Service and its agents, and we write now to address the disposition of Committee interview transcripts for certain U.S. Secret Service personnel.

At the outset of our investigation, the Committee recognized the legitimate longstanding limits the Secret Service has imposed on interviews or depositions of its agents. We also recognized the significant potential ramifications for the Secret Service's mission that would be caused by any detailed disclosure of the means employed by the Service in its protective operations.

As our investigation progressed, it became clear that additional interviews of certain Secret Service agents and personnel would be necessary for multiple reasons. For example, our investigation uncovered substantial intelligence information, circulated by other agencies to the White House and Secret Service, that a number of President Trump's supporters had prepared in advance to engage in violent action on January 6th and were specifically targeting the U.S. Capitol. These documents suggested that those in the White House, including the President, Chief of Staff, and Deputy Chief of Staff, should have had more than sufficient information to cancel the President's January 6th Ellipse rally. The intelligence was also more than sufficient to warrant the cancellation of the President's plan to instruct his supporters to march to the Capitol. Likewise, Secret Service agents had important testimony regarding President Trump's desire to participate personally at the Capitol in the effort to overturn the election.

Last summer, we were very disappointed to learn that text messages on many Secret Service phones had been deleted in the weeks after January 6th. This ultimately hindered certain aspects of our investigation. That said, after that discovery, you and your team stepped forward

The Honorable Jonathan Meyer
Page 2

to provide unprecedented cooperation with the Select Committee. This allowed us to fully understand what intelligence was available to the White House. We wish to extend our thanks for that cooperation.

Beginning last August, our staff began working with your team to obtain and comprehensively review a significant amount of intelligence and other information available to the Secret Service. Following that review, we conducted several additional interviews of Secret Service personnel. We also interviewed Mr. Tony Ornato, who resigned from the Secret Service last summer and served as President Trump's Deputy White House Chief of Staff on January 6th.

In each of our interviews, Secret Service lawyers participated and made clear that the transcripts:

include information and records covered under the Privacy Act, personnel and other personal privacy information, for-official-use-only information, intelligence and law enforcement sensitive records, and raw intelligence information.

Secret Service lawyers also explained as follows:

While the Secret Service and the Department have made this information and records available, we continue to assert that such information and records and any discussion of such information and records during the course of this transcribed interview is not intended for public release ... This transcript and any attachments are protected from further dissemination to the same extent as the documents and information they are based on.

Many of the facts developed in these interviews are important; we have summarized them in our final report without revealing any Secret Service operational details or private information regarding any agent. We have also redacted other witness transcripts that would have disclosed that information. In addition to operational details, certain private attorneys for Secret Service witnesses requested that particular private details in interview transcripts be withheld from public disclosure. Although this information has some relevance to the public, we have honored that request as well – including when those same private details appear in other non-Secret Service transcripts.

Since its outset, the Committee has intended to make as much of the information developed by the investigation public as reasonably possible. Because Mr. Ornato's November 2022 transcript addressed a range of intelligence information important to the Committee's conclusions about January 6th, and because Mr. Ornato was not functioning as a Secret Service agent on January 6th, the Committee decided to release his November 2022 transcript. Please

The Honorable Jonathan Meyer
Page 3

note that we made significant redactions specifically to address concerns identified by the Secret Service.

As of next week when the Committee dissolves, the Committee will no longer exercise control over this material, and thus cannot ensure enforcement of the agreements to maintain the confidentiality of any of these transcripts and related security information. Pursuant to long-standing House rules, the official records of the Committee will be archived and pass into the control of the National Archives. We fully share the Department's concern for the safety, security and reputation of our witnesses and the security information vital to the protection of USSS protectees and employees.

In coordination with the office of the Speaker of the House, to comply with House rules and to honor our commitment to best provide for continuing confidentiality of operational details and private information, we are hereby providing those transcripts to the Department now for appropriate review, timely return, and designation of instructions for proper handling by the Archives. During your review, we recommend that the Department provide for the official file that will reside with the Archives any necessary written guidance regarding the need for limitations on release or other sensitivities. Our expectation is that the transcripts with such instructions will become part of the historical record of our investigation maintained by the National Archives.

Thank you again for your assistance with our investigation. We are grateful for your assistance in carrying out this important security task.

Sincerely,



Bennie G. Thompson
Chairman



Liz Cheney
Vice Chair

cc: Mr. Jackson Eaton

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

DONALD J. TRUMP)

Defendant)

Case No. 23-cr-257-TSC

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: U.S. Representative Barry Loudermilk, U.S. House of Representatives
1309 Longworth House Office Building, Washington, DC 20515

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|---|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|---|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com;

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT A

TO: The Honorable Barry Loudermilk
Chairman, Subcommittee on Oversight
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

DEFINITIONS

1. **“You”** and **“your”** means Barry Loudermilk and your staff, Committee, Committee Members, Committee Staff, House of Representatives Staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
4. **“Select Committee”** means the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, H.Res. 503, 117th Cong. (2021).
5. **“Meyer Letter”** means the December 30, 2002, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Attachment B).
6. **“Sauber Letter”** means the December 30, 2022, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to Richard Sauber, Special Counsel to the President (Attachment C).
7. **“Loudermilk Letter”** means the June 26, 2023, Letter from The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight to the Honorable Bennie Thompson, Member of Congress (Attachment D).

8. **“Thompson Letter”** means the July 7, 2023, Letter from The Honorable Bennie Thompson, Member of Congress to The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight (Attachment E).

9. **“Select Committee Missing Materials”** means the records and communications transmitted pursuant to the Sauber and Meyer letters dated December 30, 2002, and the temporary committee records identified in footnote 1 of the Thompson letter. At a minimum this includes the video recordings or other transcriptions of witness interviews, intelligence and other law enforcement information available to the Secret Service, records identifying witnesses, and other information the Select Committee deemed private or operational details pursuant to agreements with the White House and Department of Homeland Security. If the materials returned to the White House and Department of Homeland Security encompass more materials than described in the letters, “Select Committee Materials” also includes those materials.

10. **“Litigation hold”** means notice provided by any party to the Select Committee or any notice provided by the Select Committee to any party with the intention of maintaining records and communications or preventing the loss or destruction of any records and communications.

11. **“Concerning,” “Regarding,” “Referencing,” or “Relating”** means relating to, referring to, describing, evidencing, or constituting.

12. **“All,” “any,” and “each”** shall each be construed as encompassing any and all.

13. **“And” and “or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

INSTRUCTIONS

14. You are required to submit all materials described below in your possession, custody, or control to: Lauro & Singer, Counsel for President Donald Trump, 400 N. Tampa Street, Floor 15, Tampa, FL 33602, jlauro@laurosinger.com, gsinger@laurolawfirm.com.

15. Please produce the below-described within 14 days of service of this Subpoena.

16. The records and communications requested herein are to be produced as they are kept in the usual course of business or organized and labeled to correspond to the numbered paragraphs or categories of particular requests. If there are no documents responsive to a particular numbered paragraph or category, so state in writing.

17. If you assert a claim of privilege or protection with request to any item requested, please specifically state:

- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

20. If any request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

21. Below are the Items Requested by this subpoena. The Items Requested are identified in four letters either to or from The Honorable Bennie Thompson who served as the Chair of the Select Committee. All items in quotation marks refer to the excerpts from the letters and should be given the meaning intended by the letter or the meaning ascribed by their common definition, whichever is broader.

22. The Items Requested are organized by letter for reference. However, each request should not be considered to be limited to the items identified in the letter or in any way limited by the letter. You should consider each request independently

as though it applies to any records and communications in your possession, custody, or control.

ITEMS REQUESTED

23. Please Produce the following records and communications:
24. The Select Committee Missing Materials.
25. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
26. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

DONALD J. TRUMP)

Case No. 23-cr-257-TSC

Defendant)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: Kevin McCumber, Clerk of the House of Representatives
U.S. Capitol, Room H154, Washington, DC 20515

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|---|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|---|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____ Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com; 813.222.8990

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT A

TO: Kevin McCumber
Clerk of the House of Representatives
U.S. Capitol
Room H154
Washington, D.C. 20515

DEFINITIONS

1. **“You”** and **“your”** means Kevin McCumber and your staff, Committees, Committee Staff, U.S. House of Representatives Staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
4. **“Select Committee”** means the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, H.Res. 503, 117th Cong. (2021).
5. **“Meyer Letter”** means the December 30, 2002, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Attachment B).
6. **“Sauber Letter”** means the December 30, 2022, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to Richard Sauber, Special Counsel to the President (Attachment C).
7. **“Loudermilk Letter”** means the June 26, 2023, Letter from The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight to the Honorable Bennie Thompson, Member of Congress (Attachment D).

8. **“Thompson Letter”** means the July 7, 2023, Letter from The Honorable Bennie Thompson, Member of Congress to The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight (Attachment E).

9. **“Select Committee Missing Materials”** means the records and communications transmitted pursuant to the Sauber and Meyer letters dated December 30, 2002, and the temporary committee records identified in footnote 1 of the Thompson letter. At a minimum this includes the video recordings or other transcriptions of witness interviews, intelligence and other law enforcement information available to the Secret Service, records identifying witnesses, and other information the Select Committee deemed private or operational details pursuant to agreements with the White House and Department of Homeland Security. If the materials returned to the White House and Department of Homeland Security encompass more materials than described in the letters, “Select Committee Materials” also includes those materials.

10. **“Litigation hold”** means notice provided by any party to the Select Committee or any notice provided by the Select Committee to any party with the intention of maintaining records and communications or preventing the loss or destruction of any records and communications.

11. **“Concerning,” “Regarding,” “Referencing,” or “Relating”** means relating to, referring to, describing, evidencing, or constituting.

12. **“All,” “any,” and “each”** shall each be construed as encompassing any and all.

13. **“And” and “or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

INSTRUCTIONS

14. You are required to submit all materials described below in your possession, custody, or control to: Lauro & Singer, Counsel for President Donald Trump, 400 N. Tampa Street, Floor 15, Tampa, FL 33602, jlauro@laurosinger.com, gsinger@laurolawfirm.com.

15. Please produce the below-described within 14 days of service of this Subpoena.

16. The records and communications requested herein are to be produced as they are kept in the usual course of business or organized and labeled to correspond

to the numbered paragraphs or categories of particular requests. If there are no documents responsive to a particular numbered paragraph or category, so state in writing.

17. If you assert a claim of privilege or protection with request to any item requested, please specifically state:

- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

20. If any request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

21. Below are the Items Requested by this subpoena. The Items Requested are identified in four letters either to or from The Honorable Bennie Thompson who served as the Chair of the Select Committee. All items in quotation marks refer to the excerpts from the letters and should be given the meaning intended by the letter or the meaning ascribed by their common definition, whichever is broader.

22. The Items Requested are organized by letter for reference. However, each request should not be considered to be limited to the items identified in the letter or in any way limited by the letter. You should consider each request independently as though it applies to any records and communications in your possession, custody, or control.

ITEMS REQUESTED

23. Please Produce the following records and communications:
24. The Select Committee Missing Materials.
25. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
26. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT
for the
District of Columbia

| | | |
|--|----------------------------|-------------------------------|
| United States of America v. DONALD J. TRUMP <hr style="width: 100%;"/> <i>Defendant</i> |)))))) | Case No. 23-cr-257-TSC |
|--|----------------------------|-------------------------------|

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: Jonathan E. Meyer
Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave SE, Gate 1,
Washington, DC 20016
(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|---|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|---|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____ Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com; 813.222.8990

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT A

TO: Jonathan E. Meyer
Office of the General Counsel
U.S. Department of Homeland Security
2702 Martin Luther King Junior Ave. SE
Gate 1
Washington, D.C. 20016

DEFINITIONS

1. **“You”** and **“your”** means Jonathan E. Meyer and your staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
4. **“Select Committee”** means the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, H.Res. 503, 117th Cong. (2021).
5. **“Meyer Letter”** means the December 30, 2002, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Attachment B).
6. **“Sauber Letter”** means the December 30, 2022, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to Richard Sauber, Special Counsel to the President (Attachment C).
7. **“Loudermilk Letter”** means the June 26, 2023, Letter from The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight to the Honorable Bennie Thompson, Member of Congress (Attachment D).

8. **“Thompson Letter”** means the July 7, 2023, Letter from The Honorable Bennie Thompson, Member of Congress to The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight (Attachment E).

9. **“Select Committee Missing Materials”** means the records and communications transmitted pursuant to the Sauber and Meyer letters dated December 30, 2002, and the temporary committee records identified in footnote 1 of the Thompson letter. At a minimum this includes the video recordings or other transcriptions of witness interviews, intelligence and other law enforcement information available to the Secret Service, records identifying witnesses, and other information the Select Committee deemed private or operational details pursuant to agreements with the White House and Department of Homeland Security. If the materials returned to the White House and Department of Homeland Security encompass more materials than described in the letters, “Select Committee Materials” also includes those materials.

10. **“Litigation hold”** means notice provided by any party to the Select Committee or any notice provided by the Select Committee to any party with the intention of maintaining records and communications or preventing the loss or destruction of any records and communications.

11. **“Concerning,” “Regarding,” “Referencing,” or “Relating”** means relating to, referring to, describing, evidencing, or constituting.

12. **“All,” “any,” and “each”** shall each be construed as encompassing any and all.

13. **“And” and “or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

INSTRUCTIONS

14. You are required to submit all materials described below in your possession, custody, or control to: Lauro & Singer, Counsel for President Donald Trump, 400 N. Tampa Street, Floor 15, Tampa, FL 33602, jlauro@laurosinger.com, gsinger@laurolawfirm.com.

15. Please produce the below-described within 14 days of service of this Subpoena.

16. The records and communications requested herein are to be produced as they are kept in the usual course of business or organized and labeled to correspond

to the numbered paragraphs or categories of particular requests. If there are no documents responsive to a particular numbered paragraph or category, so state in writing.

17. If you assert a claim of privilege or protection with request to any item requested, please specifically state:

- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

20. If any request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

21. Below are the Items Requested by this subpoena. The Items Requested are identified in four letters either to or from The Honorable Bennie Thompson who served as the Chair of the Select Committee. All items in quotation marks refer to the excerpts from the letters and should be given the meaning intended by the letter or the meaning ascribed by their common definition, whichever is broader.

22. The Items Requested are organized by letter for reference. However, each request should not be considered to be limited to the items identified in the letter or in any way limited by the letter. You should consider each request independently as though it applies to any records and communications in your possession, custody, or control.

ITEMS REQUESTED

23. Please Produce the following records and communications:
24. The Select Committee Missing Materials.
25. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
26. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT
for the
District of Columbia

| | | |
|--|----------------------------|-------------------------------|
| United States of America v. DONALD J. TRUMP <hr style="width: 100%;"/> <i>Defendant</i> |)))))) | Case No. 23-cr-257-TSC |
|--|----------------------------|-------------------------------|

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: Richard A. Sauber
1600 Pennsylvania Avenue NW, Washington, DC 20500

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|---|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|---|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____ Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com; 813.222.8990

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT A

TO: Richard A. Sauber
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

DEFINITIONS

1. **“You”** and **“your”** means Richard A. Sauber and your staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
4. **“Select Committee”** means the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, H.Res. 503, 117th Cong. (2021).
5. **“Meyer Letter”** means the December 30, 2002, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Attachment B).
6. **“Sauber Letter”** means the December 30, 2022, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to Richard Sauber, Special Counsel to the President (Attachment C).
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8. **“Thompson Letter”** means the July 7, 2023, Letter from The Honorable Bennie Thompson, Member of Congress to The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight (Attachment E).

9. **“Select Committee Missing Materials”** means the records and communications transmitted pursuant to the Sauber and Meyer letters dated December 30, 2002, and the temporary committee records identified in footnote 1 of the Thompson letter. At a minimum this includes the video recordings or other transcriptions of witness interviews, intelligence and other law enforcement information available to the Secret Service, records identifying witnesses, and other information the Select Committee deemed private or operational details pursuant to agreements with the White House and Department of Homeland Security. If the materials returned to the White House and Department of Homeland Security encompass more materials than described in the letters, “Select Committee Materials” also includes those materials.

10. **“Litigation hold”** means notice provided by any party to the Select Committee or any notice provided by the Select Committee to any party with the intention of maintaining records and communications or preventing the loss or destruction of any records and communications.

11. **“Concerning,” “Regarding,” “Referencing,” or “Relating”** means relating to, referring to, describing, evidencing, or constituting.

12. **“All,” “any,” and “each”** shall each be construed as encompassing any and all.

13. **“And” and “or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

INSTRUCTIONS

14. You are required to submit all materials described below in your possession, custody, or control to: Lauro & Singer, Counsel for President Donald Trump, 400 N. Tampa Street, Floor 15, Tampa, FL 33602, jlauro@laurosinger.com, gsinger@laurolawfirm.com.

15. Please produce the below-described within 14 days of service of this Subpoena.

16. The records and communications requested herein are to be produced as they are kept in the usual course of business or organized and labeled to correspond to the numbered paragraphs or categories of particular requests. If there are no documents responsive to a particular numbered paragraph or category, so state in writing.

17. If you assert a claim of privilege or protection with request to any item requested, please specifically state:

- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

20. If any request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

21. Below are the Items Requested by this subpoena. The Items Requested are identified in four letters either to or from The Honorable Bennie Thompson who served as the Chair of the Select Committee. All items in quotation marks refer to the excerpts from the letters and should be given the meaning intended by the letter or the meaning ascribed by their common definition, whichever is broader.

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ITEMS REQUESTED

23. Please Produce the following records and communications:

24. The Select Committee Missing Materials.
25. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
26. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

DONALD J. TRUMP)

Defendant)

Case No. 23-cr-257-TSC

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: Colleen Shogan, National Archives and Records Administration
3301 Metzgerott Road, College Park, MD

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|---|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|---|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com;

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT A

TO: Colleen Shogan
National Archives and Records Administration
3301 Metzert Road
College Park, MD 20740

DEFINITIONS

1. **“You”** and **“your”** means Colleen Shogan and your staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
4. **“Select Committee”** means the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, H.Res. 503, 117th Cong. (2021).
5. **“Meyer Letter”** means the December 30, 2002, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Attachment B).
6. **“Sauber Letter”** means the December 30, 2022, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to Richard Sauber, Special Counsel to the President (Attachment C).
7. **“Loudermilk Letter”** means the June 26, 2023, Letter from The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight to the Honorable Bennie Thompson, Member of Congress (Attachment D).

8. **“Thompson Letter”** means the July 7, 2023, Letter from The Honorable Bennie Thompson, Member of Congress to The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight (Attachment E).

9. **“Select Committee Missing Materials”** means the records and communications transmitted pursuant to the Sauber and Meyer letters dated December 30, 2002, and the temporary committee records identified in footnote 1 of the Thompson letter. At a minimum this includes the video recordings or other transcriptions of witness interviews, intelligence and other law enforcement information available to the Secret Service, records identifying witnesses, and other information the Select Committee deemed private or operational details pursuant to agreements with the White House and Department of Homeland Security. If the materials returned to the White House and Department of Homeland Security encompass more materials than described in the letters, “Select Committee Materials” also includes those materials.

10. **“Litigation hold”** means notice provided by any party to the Select Committee or any notice provided by the Select Committee to any party with the intention of maintaining records and communications or preventing the loss or destruction of any records and communications.

11. **“Concerning,” “Regarding,” “Referencing,” or “Relating”** means relating to, referring to, describing, evidencing, or constituting.

12. **“All,” “any,” and “each”** shall each be construed as encompassing any and all.

13. **“And” and “or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

INSTRUCTIONS

14. You are required to submit all materials described below in your possession, custody, or control to: Lauro & Singer, Counsel for President Donald Trump, 400 N. Tampa Street, Floor 15, Tampa, FL 33602, jlauro@laurosinger.com, gsinger@laurolawfirm.com.

15. Please produce the below-described within 14 days of service of this Subpoena.

16. The records and communications requested herein are to be produced as they are kept in the usual course of business or organized and labeled to correspond

to the numbered paragraphs or categories of particular requests. If there are no documents responsive to a particular numbered paragraph or category, so state in writing.

17. If you assert a claim of privilege or protection with request to any item requested, please specifically state:

- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

20. If any request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

21. Below are the Items Requested by this subpoena. The Items Requested are identified in four letters either to or from The Honorable Bennie Thompson who served as the Chair of the Select Committee. All items in quotation marks refer to the excerpts from the letters and should be given the meaning intended by the letter or the meaning ascribed by their common definition, whichever is broader.

22. The Items Requested are organized by letter for reference. However, each request should not be considered to be limited to the items identified in the letter or in any way limited by the letter. You should consider each request independently as though it applies to any records and communications in your possession, custody, or control.

ITEMS REQUESTED

23. Please Produce the following records and communications:
24. The Select Committee Missing Materials.
25. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
26. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

DONALD J. TRUMP)

Case No. 23-cr-257-TSC

Defendant)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS IN A CRIMINAL CASE

To: U.S. Representative Bryan Steil, Chairman of the U.S. Committee on House Administration
1309 Longworth House Office Building, Washington, DC 20515

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|--|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|--|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____ Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com; 813.222.8990

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT A

TO: The Honorable Bryan Steil
Chairman, Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

DEFINITIONS

1. **“You”** and **“your”** means Bryan Steil and your staff, Committee, Committee Members, Committee Staff, House of Representatives Staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
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11. **“Concerning,” “Regarding,” “Referencing,” or “Relating”** means relating to, referring to, describing, evidencing, or constituting.

12. **“All,” “any,” and “each”** shall each be construed as encompassing any and all.

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15. Please produce the below-described within 14 days of service of this Subpoena.

16. The records and communications requested herein are to be produced as they are kept in the usual course of business or organized and labeled to correspond

to the numbered paragraphs or categories of particular requests. If there are no documents responsive to a particular numbered paragraph or category, so state in writing.

17. If you assert a claim of privilege or protection with request to any item requested, please specifically state:

- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

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27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

DONALD J. TRUMP)

Defendant)

Case No. 23-cr-257-TSC

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: U.S. Representative Bennie Thompson, U.S. House of Representatives
2466 Rayburn House Office Building, Washington, DC 20515

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment "A"

| | |
|--|---|
| Place: Lauro & Singer 400 N. Tampa St., 15th Floor Tampa, FL 33602 | Date and Time: Production will be two weeks from date of service |
|--|---|

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____ Defendant
Donald J. Trump _____, who requests this subpoena, are:

John F. Lauro; Lauro & Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602; jlauro@laurosinger.com; 813.222.8990

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 23-cr-257-TSC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

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ATTACHMENT A

TO: The Honorable Bennie Thompson
U.S. House of Representatives
2466 Rayburn House Office Building
Washington, D.C. 20515

DEFINITIONS

1. **“You”** and **“your”** means Bennie Thompson and your staff, Committee, Committee Members, Committee Staff, House of Representatives Staff, coworkers, employees, agents, subagents, independent contractors, and/or any person over which you exercise control.
2. **“Communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any e-mail, text, or letter (together with all attachments and enclosures).
3. **“Records”** means documents or electronically stored information that reflects any information held by you, including writings, emails, texts, electronic or handwritten notes, electronic data, memoranda, drawings, graphs, charts, photographs, phono-records, transcripts, recordings and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. A draft or non-identical copy is a separate record within the meaning of this term.
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5. **“Meyer Letter”** means the December 30, 2002, Letter from The Honorable Bennie Thompson and The Honorable Liz Cheney to The Honorable Jonathan Meyer, General Counsel, U.S. Department of Homeland Security (Attachment B).
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7. **“Loudermilk Letter”** means the June 26, 2023, Letter from The Honorable Barry Loudermilk, Chairman, Subcommittee on Oversight to the Honorable Bennie Thompson, Member of Congress (Attachment D).

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- a. whether the document has been previously provided to any third party in full or in redacted form.
- b. the nature of the privilege (including work product) that is being claimed and, if applicable, the state rule or law governing such claim;
- c. the type of document (i.e., letter, memorandum, etc.);
- d. the general subject matter of the document;
- e. the date of the document; and
- f. such information as is sufficient to identify the document including, where appropriate, the document author(s), addressee(s), and where not apparent, the relationship between the author(s) and addressee(s).

18. If any record or communication has been destroyed or discarded, or is no longer in existence, that document is to be identified by stating:

- a. its date of destruction or discard;
- b. the manner and reason for its destruction or discard; and
- c. the identity of the document's last custodian and of each person responsible for the document's destruction or unavailability.

19. If any record or communication was, but no longer is in your possession, state all circumstances of its disposition and whether any copy is in the possession, custody or control of some other person or entity and indicate why the document or a copy cannot be produced.

20. If any request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

21. Below are the Items Requested by this subpoena. The Items Requested are identified in four letters either to or from The Honorable Bennie Thompson who served as the Chair of the Select Committee. All items in quotation marks refer to the excerpts from the letters and should be given the meaning intended by the letter or the meaning ascribed by their common definition, whichever is broader.

22. The Items Requested are organized by letter for reference. However, each request should not be considered to be limited to the items identified in the letter or in any way limited by the letter. You should consider each request independently as though it applies to any records and communications in your possession, custody, or control.

ITEMS REQUESTED

23. Please Produce the following records and communications:
24. The Select Committee Missing Materials.
25. Records and communications regarding methods, practices, instructions, litigation holds, and/or policies regarding transfer, retention, archiving, or destruction of the Select Committee Missing Materials.
26. Records and communications regarding the loss or destruction of the Select Committee Missing Materials.
27. Communications with the Department of Justice or other law enforcement agencies related to the Select Committee Missing Materials.
28. Records and communications relating to any accommodations or agreements with the Executive Branch, including the Department of Justice, Department of Homeland Security, and White House, regarding the Select Committee Missing Materials.
29. Any other documents, communications, or records in any way pertaining to the Missing Materials.